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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,125

Applicant(s)

MCBREARTY ET AL.

Examiner

Jeffrey R. Swearingen

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to because in the flowchart of Figure 9, it is impossible to go from step 916 directly to step 917 as indicated in the specification, page 23, lines 20-23.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1, items 132, 134, 140; Figure 2, items 244, 246; Figure 5B, item 420; Figure 7, item 702. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "420" has been used to designate both URLs in Figure 4B and what appears to be a scroll bar in Figures 5B-5D. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

Art Unit: 2145

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Some of the errors that the Examiner has recognized are as follows: On page 1, line 13; "INICATOR" should be changed to "INDICATOR". On page 2, line 9, word 5; "and" should be changed to "an". On page 4, line 7; the semicolon should be changed to a colon.
6. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
7. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:
9. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
10. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the means known to the inventor for displaying cache status information, does not reasonably provide enablement for the breadth of the claimed subject matter. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly

Art Unit: 2145

connected, to enable the invention commensurate in scope with these claims. Claim 1 is a single means claim. A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983). See MPEP § 2164.08(a).

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:
12. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
13. Claims 6, 18 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
14. Regarding claims 6, 18 and 26, the Examiner is unclear on what Applicant means by "size aspects" upon examination of the claims and the specification. Size aspects could be interpreted as file size, number of words present, pixel dimensions, etc. The Examiner is unsure what Applicant is trying to compare in this respect.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
16. A person shall be entitled to a patent unless –
17. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
18. Claims 1-3, 5-10, 13-15, 17-20, 23 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipate by Acharya et al. (U.S. Patent No. 6,826,593).

Art Unit: 2145

19. Regarding claims 1, 13 and 23, Acharya discloses a management process, computer system, and computer-readable medium containing computer executable instructions (hereafter referred to collectively as a process) displaying cache status information about the cached documents when a user digitally points to an address associated with one or more cached documents. [Acharya, column 4, lines 46-63] By this rationale claims 1, 13 and 23 are rejected.
20. Regarding claims 2 and 14, Acharya is applied as in claims 1 and 13. It is inherent to the Examiner that selecting a hyperlink in Acharya involves rolling a cursor over the address to digitally point to the address. By this rationale claims 2 and 14 are rejected.
21. Regarding claims 3 and 15, Acharya discloses the cache status information includes document availability. [Acharya, column 5, lines 1-5]. By this rationale claims 3 and 15 are rejected.
22. Regarding claims 5 and 17, Acharya discloses the cache status information includes the date the document was cached. [Acharya, column 3, lines 25-29] By this rationale claims 5 and 17 are rejected.
23. Regarding claims 6, 18 and 26, Acharya discloses analyzing current size aspects of the document and data associated with the
24. Regarding claim 7, Acharya is applied as in claim 1. Acharya further discloses creating a time stamp associated with the computer system and reporting it as the date the document was cached. [Acharya, column 3, lines 25-29] By this rationale claim 7 is rejected.
25. Regarding claims 8, 19 and 25, Acharya discloses the document is a World Wide Web page that is accessed by an Internet browser and the addresses are uniform resource locators pointing to other World Wide Web pages. [Acharya, column 8, lines 58-66] By this rationale claims 8, 19 and 25 are rejected.
26. Regarding claim 9, Acharya discloses loading the cached documents from a network connection. [Acharya, column 10, lines 4-26] By this rationale claim 9 is rejected.
27. Regarding claims 10, 20 and 27, Acharya is applied as in claims 1, 13 and 23. Acharya further discloses providing load options including loading the cached document. [Acharya, column 4, line 64 – column 5, line 5] By this rationale claims 10, 20 and 27 are rejected.

Art Unit: 2145

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
29. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
30. Claims 4 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya and Gong (U.S. Patent No. 6,243,089).
31. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).
32. Regarding claims 4 and 16, Acharya is applied as in claims 1 and 13. Acharya fails to disclose indicating percentage of the document that was previously cached.

Art Unit: 2145

33. However, Gong discloses indicating percentage of the document that was previously cached.
[Gong, Figure 4, Figure 5, column 4, lines 18-19]
34. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Acharya and Gong for the purpose of showing a user that the page displayed contains old information [has been cached] or new information. [Gong, column 1, lines 52-55]. Acharya gives motivation for the combination by stating that a user is likely to welcome receiving a different version of the file if it can be obtained quickly. [Acharya, column 3, lines 62-65] If a user knows that a document has old information but is substantially cached for quick access, then they would be able to make the decision to get the newer document that would have a longer download time or to get the cached or substantially cached old document that could be retrieved quickly. By this rationale claims 4 and 16 are rejected.
35. Regarding claims 11-12, 21-22, and 28-29, Acharya is applied as in claims 1, 13, and 23. Acharya fails to disclose providing visual indicators showing if the document is partially or fully cached.
36. However, Gong discloses a color coded visual indication that the document is partially or fully cached. [Gong, column 4, lines 1-21]
37. The motivation for this combination is the same as the motivation used in claims 4 and 16. By this rationale claims 11-12, 21-22, 24 and 28-29 are rejected.
38. Regarding claim 24, Acharya is applied as in claim 23. Acharya fails to disclose a status bar for displaying the status information when a user digitally rolls a cursor over an address associated with the stored documents.
39. However, Gong discloses a status bar to display messages. [Gong, column 3, lines 47-49]
40. The motivation for this combination is the same as the motivation used in claims 4 and 16. By this rationale claim 24 is rejected.
41. Claims 6, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya and Banga et al. (U.S. Pub. No. 2001/0020248).

Art Unit: 2145

42. Regarding claims 6, 18 and 26, Acharya is applied as in claims 1, 13 and 23. Acharya fails to disclose comparing sizes of documents to cached documents.
43. However, Banga discloses comparing the difference in a document that has been cached to the size of the actual document. [Banga, page 2, paragraphs 0026-0027]
44. It would be obvious to one of ordinary skill in the networking art to combine the teachings of Banga and Acharya in order to report the difference in the cached document and the actual document. [Banga, page 2, paragraph 0026] Acharya gives motivation for the combination by stating users would welcome a smaller version of a file that could be retrieved quickly compared to the full version of a file. [Acharya, column 3, lines 62-65] By this rationale claims 6, 18 and 26 are rejected.

Conclusion

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.
46. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
47. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRS

V. Martin Wallace
V. MARTIN WALLACE
Supervisory Patent Examiner

Art Unit: 2145